

**ARNOLD & PORTER KAYE SCHOLER LLP**

TRENTON H. NORRIS (Bar No. 164781)

ASHLEY N. GOMEZ (Bar No. 336364)

Three Embarcadero Center, 10th Floor

San Francisco, CA 94111-4024

Telephone: 415.471.3100

Facsimile: 415.471.3400

trent.norris@arnoldporter.com

ashley.gomez@arnoldporter.com

ALEX BEROUKHIM (Bar No. 220722)

777 South Figueroa Street, 44th Floor

Los Angeles, CA 90017-5844

Telephone: 213.243.4000

Facsimile: 213.243.4199

alex.beroukhim@arnoldporter.com

*Attorneys for Defendant*

RECKITT BENCKISER, LLC

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH DIGIACINTO, an individual, on behalf  
of himself, all others similarly situated, and the  
general public,

Plaintiff,

v.

RECKITT BENCKISER, LLC,

Defendant.

Case No. 4:22-cv-04690-DMR

**STIPULATION AND ORDER TO  
SUBSTITUTE PARTY, ALLOW  
PLAINTIFF TO FILE FIRST  
AMENDED COMPLAINT, AND SET  
BRIEFING SCHEDULE**

Pursuant to Local Rule 7-12, Plaintiff Joseph DiGiacinto (“Plaintiff”) and Defendant Reckitt Benckiser, LLC (“Defendant”), by and through their respective counsel of record, hereby stipulate as follows:

1. WHEREAS, Plaintiff filed his Complaint (ECF No. 1) in this case on August 16, 2022;

2. WHEREAS, Plaintiff served his Complaint on August 17, 2022 (ECF Nos. 7–8);

3. WHEREAS, on September 2, 2022, the Parties jointly agreed to an extension of Defendant's time to respond to the Complaint to September 30, 2022 (ECF No. 11);

4. WHEREAS, in preparation for Defendant's response, Defendant's counsel came to understand the incorrect party was sued in this action;

5. WHEREAS, Defendant filed its Answer to Plaintiff's Complaint on September 28, 2022 (ECF No. 16);

6. WHEREAS, the Parties agree that judicial economy would be served by substituting RB Health (US) LLC in place of Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, as opposed to requiring Plaintiff to file an amended complaint naming RB Health (US) LLC as the defendant.

7. WHEREAS, Plaintiff seeks to file a First Amended Complaint to, *inter alia*, add a claim for damages under the California Consumers Legal Remedies Act, and requested Defendant's consent pursuant to Fed. R. Civ. P. 15(a)(2), which was granted;

8. WHEREAS, Defendant requires additional time to respond to Plaintiff's First Amended Complaint, when filed, beyond the time provided in Federal Rule of Civil Procedure 15, and the Parties have agreed to a modified briefing schedule thereafter to accommodate preexisting obligations;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties and their respective counsel, with good cause appearing, and subject to court approval, that:

i. RB Health (US) LLC is hereby substituted into this case as the defendant in place of Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, bearing all the same rights, defenses, liabilities, and obligations of Defendant Reckitt Benckiser, LLC, that exist at the time of this stipulation;

ii. Plaintiff shall file his First Amended Complaint on or before November 7, 2022;

iii. Defendant shall file its Motion to Dismiss, or similar pleading, to Plaintiff's First Amended Complaint on or before December 9, 2022;

iv. Plaintiff shall file his Opposition on or before January 13, 2023;

v. Defendant shall file its Reply on or before January 27, 2023;

vi. The Parties request a hearing date of February 14, 2023 for the Motion to Dismiss, or similar pleading, or another date thereafter that is convenient for the Court.

1 The Parties respectfully request that the Court enter an Order approving this Stipulation.  
2 IT IS SO STIPULATED.

3  
4 Dated: October 18, 2022

ARNOLD & PORTER KAYE SCHOLER LLP

6 By: /s/ Trenton H. Norris

7 Alex Beroukhim  
8 Trenton H. Norris  
9 Ashley N. Gomez

10 *Attorneys for*  
11 RECKITT BENCKISER, LLC  
and RB HEALTH (US) LLC

12 Dated: October 18, 2022

LAW OFFICES OF RONALD A. MARRON

13  
14  
15 By: /s/ Lilach Halperin

16 Lilach Halperin  
17 Ronald A. Marron  
18 Michael T. Houchin

19 *Attorneys for Plaintiff*  
20 JOSEPH DIGIACINTO  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION PURSUANT TO CIVIL L.R. 5-1**

The filer attest that the other signatories listed, on whose behalf the filing is also submitted, are registered CM/ECF filers and concur in the filing's content and have authorized the filing.

Dated: October 18, 2022

/s/ Trenton H. Norris  
Trenton H. Norris

**ORDER**

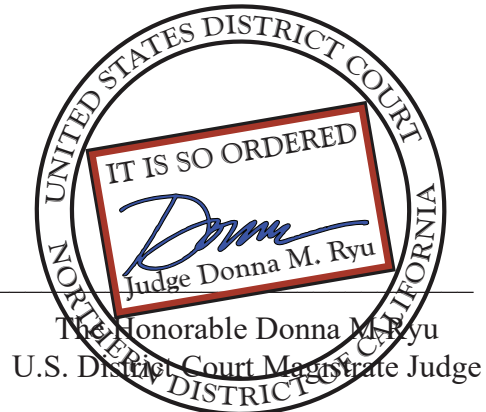
Pursuant to the stipulation of the Parties, and for good cause appearing, it is HEREBY ORDERED that:

- i. RB Health (US) LLC is hereby substituted into this case as the defendant in place of Defendant Reckitt Benckiser, LLC, *nunc pro tunc*, bearing all the same rights, defenses, liabilities, and obligations of Defendant Reckitt Benckiser, LLC, that exist as of the date of this order;
- ii. Plaintiff shall file his First Amended Complaint on or before November 7, 2022;
- iii. Defendant shall file its Motion to Dismiss or similar pleading to Plaintiff's First Amended Complaint on or before December 9, 2022;
- iv. Plaintiff shall file his Opposition on or before January 13, 2023;
- v. Defendant shall file its Reply on or before January 27, 2023;
- vi. The hearing date for Defendant's Motion to Dismiss, or similar pleading, shall take place on February 23, 2023, at 1:00 p.m.

**IT IS SO ORDERED.**

Dated: October 19, 2022

By: \_\_\_\_\_



The Honorable Donna M. Ryu  
U.S. District Court Magistrate Judge